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ABSTRACT

This paper addresses organization and management issues related to library material selection and acquisitions in the digital age, based on the author's experiences at the University of North Carolina at Chapel Hill library. The first part of the paper focuses on selection. The following principles of selection are discussed: (1) developing a balance of subject areas that reflect academic or community needs for information; (2) building collections with breadth and depth; (3) building collections cooperatively to preserve the record of human culture and achievement; (4) serving as a gateway and quality control agent for both print and electronic information; (5) eliminating selector cultural and/or political bias in building collections; and (6) organizing digital information to enable users to access it quickly and easily. The skills of the selector in the digital environment are also considered. The second part covers acquisitions, including areas where there is potential for conflict between a licensor and the library licensing an information product (e.g., disagreements about authorized users, third-party rights, and third-party liability). Negotiation skills necessary for negotiating the licensing of electronic products are listed, and the importance of systems staff becoming involved in selection and acquisition decisions is highlighted. (MES)

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The impact of digital resources on organization and management of collection development and acquisitions

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Paper

INTRODUCTION

It is a pleasure to be here this afternoon to discuss with you organization and management issues related to selection and acquisitions in the digital age. To put my remarks in context, I want to talk briefly about my library. It is a research institution of more than 5 million volumes located in close proximity to two other large research libraries, those at Duke University and North Carolina State University. There is a history of cooperation among the libraries dating more than 70 years that includes building collections cooperatively, reciprocal borrowing privileges, and joint development of automated systems. Over the past five years, the University of North Carolina has moved from spending very few dollars on electronic information to spending more than 1.5 million dollars of an approximately 9.5 million dollar materials budget to acquire electronic information. We have licensed electronic information jointly with the neighboring research libraries, with other libraries in our 16 campus university system, with libraries throughout the State of North Carolina, and with libraries in the Southeastern United States to reduce the cost of electronic information acquisition.

Selection

I want to focus first on selection and discuss briefly some of the principles of

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selection I believe are critical to maintain in the new environment and also to discuss the skills of the selector in this environment.

Selection Principles

The overall goal of the Library in the electronic age should still be to maintain our collection development principles, including:

1. a balance of subject areas that reflect academic or community needs for information
2. building collections with breadth and depth
3. because no library can serve all the needs of all users, building collections cooperatively to preserve the record of human culture and achievement
4. serving as a "gateway" and "quality control" agent for both print and electronic information
5. eliminate selector cultural and/or political bias in building collections. Selection does not mean censorship. Finally, while not traditionally the province of the selector, I believe more than ever that all librarians have an obligation to work together to:
6. organize digital information to enable our users to access that information quickly and easily. In addition to maintaining these principles in the electronic environments, selectors must also become more knowledgeable about technical, legal, and acquisitions issues. Selectors must become more flexible and able to make decisions quickly and to alter those decisions just as quickly because of the extraordinary rapid change that is the only constant of the electronic information environment.

My friend and colleague, Deborah Jakubs from Duke University wrote in an article recently, "In recent years, many libraries have hired 'electronic access librarians'. This reflects an assumption that the format takes precedence over the content of a database or any Internet resource. This is consistent with the observation in a paper by Brannin, Thorin, and Groen, that collection development librarians have often ceded responsibility for selecting electronic resources to systems, administrative, or reference staff." Deborah goes on to say "I believe that all librarians who are responsible for selecting material should cover all formats consulting as necessary with reference and systems regarding ease of use, compatibility issues, etc. They should be conversant with the features of any database of interest to their users and able to interpret and publicize those sources. They are also responsible for creating access through the Web to other resources that may be remote but also relevant. Therefore, all collection development librarians, who assist users in discovering the potential of the resources available to them, should also be 'electronic access librarians'. It is critical part of their jobs."

Although in my own library we have established an electronic access librarian, I agree wholeheartedly with Deborah's comments. The real organizational issue we face in our libraries is one of increasing communication because of the many hands that must handle a part of the electronic acquisitions process. The role of the "electronic access librarian" is to communicate with all the players. That is the reason we have established such a position.

The role of the selector remains fundamental, however, in assuring that the content of the database is appropriate, necessary, worth the cost, and supports the teaching and research needs or the community needs of the library. As I will discuss later, the Acquisitions Department must acquire the legal and negotiating skills to license the materials. The Systems Department must make the material available and must understand the technology in order to do that. But, selectors must also understand the technology issues and the legal issues as well as apply their content expertise to the

selection of the product. It is very difficult to separate all of those functions and, thus, the selector more than in the print environment must also understand and be knowledgeable about the roles of the acquisitions librarian and the technical specialist. Indeed, because electronic databases are increasingly multi-disciplinary, even the selection decision itself cannot always reside in one bibliographer or one selector. The content expertise of multiple selectors must be brought to bear in making a decision about licensing an aggregated database such as EBSCO Host or the Gale Company's One File which cover almost all disciplines although certainly not all disciplines at the same level. This need for a multi-disciplinary approach is compounded when consortial deals with relatively low prices drive selection decisions and require rapid responses, superceding a normal deliberative selection process.

The point of course is that selection of electronic materials requires far more interaction between and among acquisitions, collection development and other selectors, systems staff, and reference services in a library than was the case in the print environment. It requires the establishment of teams of selectors to analyze the content of interdisciplinary databases. It requires selectors to become far more knowledgeable about the business, licensing, and technical issues. It requires the Library to establish mechanisms for handling a particular decision outside of the routine process when time becomes a critical factor in making that decision. Library selection and business operations must become much more flexible if they are to succeed in licensing electronic material at a good price and on a timely basis. In the print environment, the selector could be relatively independent. His or her main contacts were often with faculty rather than other librarians. That is no longer possible.

As a way to talk about the use of teams and many of the acquisitions and new business models facing libraries, I would like to give a brief history of the acquisition and selection of electronic resources in the UNC Library. The acquisition of electronic materials in the UNC Library was really very much a bootstrap effort as was the case in most US libraries over the past decade. About ten years ago, the UNC libraries began to offer networked compact disk products and end user searching stations in its library. This was in addition to the online catalog terminals that had been in place since the mid 1980's. These efforts were begun in mine and in many US libraries in the Reference Department since many of the resources acquired and made available were indexes and abstracts. There was little initial involvement either from collection development or from the Acquisitions Department. I think in an effort to acquire and make available electronic products quickly and to be on the leading age, many of the legal and purchasing issues were simply ignored. In addition, of course, in those days the products cost relatively little money and accounted for a tiny percentage of the library materials budget. As it became clear that information would increasingly be available in electronic form, the Library began to establish teams and committees to involve more people from across the Library in the selection process. These teams included representatives from Administration, Reference, Systems, and eventually from Aquisitions and the Collection Development Department. The creation of these committees or teams was really an effort to bring together the diverse skills needed to acquire and to make available electronic material because no one individual selector had the technical background coupled with the acquisitions experience and the knowledge of the needs of the user community to make the decisions about the purchase of electronic information.

In addition to and almost in contradiction to the trend toward team based decision in our and other libraries, administrators have become more involved in deciding to purchase an expensive database than they were in deciding to subscribe to a particular journal title. Sometimes those administrators overrule the selection team, and in some cases, the decisions are even made outside the library by University system-wide

administrators and committees or by state officials who are licensing databases for the entire state. There are many reasons for this including the need to reallocate resources, the high profile on and off campus for these materials, the need to purchase collectively to reduce cost, and the need to join cooperative purchases for political reasons.

Buying consortia are having a major impact on collection development and selector roles in libraries. Consortial buying activities are in many ways leveling the information playing fields, if you will. For example, last year a leading scientific publisher negotiated an agreement with a regional US information network to license to network members that publisher's electronic journal package. Any member library could acquire the electronic access to all the publisher's titles based on that library's current subscription costs. This meant that one of our sister institutions, the University of North Carolina at Greensboro, a much smaller liberal arts institution, was able to license electronic access to all of those titles even though it only subscribed to a very few of those titles in print. This greatly expanded the amount of information available to its users. Many small libraries are able to use these consortia to greatly expand at very little cost access to the publications of the large Scientific/Technical/Medical publishers.

Thus, at least in terms of the journal literature, electronic access and the growing trend towards consortia packaging and pricing of those offerings has greatly expanded the amount of information per unit cost available in smaller and less well funded institutions. These arrangements have not, of course, reduced the cost of purchasing that information in the largest research institutions that traditionally subscribe to most of the journals of the major STM publishers. Indeed in general electronic information costs more for the large research library which is also being asked in licenses to agree to multi-year no cancellation clauses for print subscriptions which I will discuss further in a few minutes.

Another issue which impacts selection and collection building is the fact that for much of the electronic material we are acquiring, we license for a limited time period rather than own the electronic material. Thus, at the end of the license period, if we cancel the subscription to a journal, we may lose access to that content. Further the content of much of the licensed material changes over time and requires periodic review of content. One question that must be addressed by librarians is who will perform this continuous review process. Certainly in the traditional library, selectors may have reviewed periodical titles occasionally to determine if the quality of the periodical continued to warrant a subscription. In the current environment full-text databases, however, are often multi-disciplinary and change their content weekly, even daily, expanding the need for constant review by selectors. There is an enormous duplication among databases. This duplication and the sheer vast amount of information now available electronically is confusing to both librarians and patrons. As the overlap among various aggregated databases grows, and these databases become more expensive, this problem will continue to increase. We must ask how many times do we want to pay for the same full-text electronic periodical, especially given that in the print environment, many university and college libraries have had policies to not duplicate copies of books and/or journal subscriptions. All of this threatens the quality of our collections in terms of comprehensive coverage. Selectors must consider carefully the impact of all these issues on the total amount of information available through our collections.

Reference librarians and selectors must also look very carefully at how any database selected fits into the total array of information offerings. It is increasingly difficult for users, at least as most libraries now present databases, to find information. Libraries as they develop the library as a virtual place must design better discipline based offerings of electronic information to help users customize information as they enter

library website. Such discipline-based access is both a selector responsibility and a responsibility of the library technical services operation, especially cataloging. The traditional library skills of selection and access must be applied to the Web in a way that sorts through the myriad of information offerings and enables and directs students to the most appropriate resource. We are overloading our users who are often only selecting the first two or three offerings they see in a list because they either don't know what is in the list or they simply don't have the time to evaluate the hundreds of electronic resources now being offered. That problem is compounded when those resources often have significant overlap in their content but may have some important unique content that is difficult for a user to discover.

Selectors must increasingly understand more than simply the content of the database. Licensing issues often impact access to and use of a particular database. In our own library, we have asked selectors to obtain the license prior to selecting a product and to review that license carefully. We don't ask them to review it for the legal boilerplate. That is the responsibility of the Acquisitions Department. We do ask selectors to review the license and to consider issues such as access to archived information, definitions of authorized users, and whether the data can be used in programs such as distance education, whether the vendor is willing to provide off-campus or off-site access to the data, whether limitations on simultaneous use will impact use of the data, and to evaluate the content of the data in relation to the cost. One of the real concerns for me personally as we acquire more and more electronic information is that the electronic content is dramatically changing the focus of our collections. As we buy more data in electronic format at greater cost, we may be reducing the breadth of our collections and the total available content to make some information more conveniently available. Many of the major scientific, technical, and medical publishers have developed marketing strategies and plans for their electronic information that both adds a surcharge for access to the electronic content, although admittedly in many cases increasing the amount of content available, and also locks in their revenue streams from their existing print subscriptions. We are therefore paying a surcharge for access to electronic content from those particular publishers while guaranteeing their revenue stream from their existing print subscription base. It is certainly a smart move on the publisher's part. Unfortunately, the money for this will inevitably come from a reduction in the purchase of monographs or from the cancellation of journal subscriptions from small scholarly publishers. Not only are we reducing, therefore, the breadth of our collections but we are also homogenizing the information available to users. Electronic resources provide convenient access, but access to only a tiny fraction of the world's intellectual content.

Selection of free materials on the Web presents a particular problem for the selector in the digital age. It is critical that libraries begin to evaluate the important information available for free on the Web and to take a role in the organization of and access to that information.

ACQUISITIONS

Let me now turn to acquisitions issues in the digital library. The Acquisitions librarian is no longer just the expert in publishers, book jobbers, in identifying that incomplete citation, in finding that obscure publisher to locate a source for a book. Indeed, many of those functions have been out-sourced. The acquisitions librarian and staff must now become an expert in legal conditions and terms of a license and in managing electronic information. Licenses are contracts for services and are legally binding documents. Licensing is one of the most critical issues facing librarians today. They are changing the nature of information access. Many librarians around the world ignore the terms and conditions of licenses. There is an assumption by many that these contracts are essentially risk free and therefore not worth the time that may be required to negotiate licenses that balance the rights of the publisher or

licensor, and the licensee, the library and its users. I would suggest, however, that there are some areas where there is potential for serious conflict between the licensor and the library licensing an information product. Three that come to mind are:

1. Disagreements about authorized users. This is particularly an issue for commercial research databases whose publishers have significant sales outside of the traditional college and university library community. Those publishers are concerned about a loss of revenue from businesses and laboratories that may license their product. In some cases, the revenue from those commercial subscriptions exceeds the university and college revenue. There is certainly a potential for legal conflict if a company believes a library is ignoring authorized user definition and has thereby cost the publisher significant revenue.
2. Third-party rights. Databases licensed by one company often contain material that is copyrighted by others. Depending on the license, a library using data provided by the licensor may well be liable if there is a claim that the licensor did not, in fact, have a right to use that data.
3. Third-party liability. While it seems unlikely, it is conceivable that a user could sue a library or its parent institution because of damages resulting from inaccurate data in a database. Such lawsuits do occur over errors in software software.

In the event that these or other conflicts arise, the terms and conditions of the license, of course, determine who is responsible and how damages may be assessed. Nevertheless, many libraries today are simply ignoring the terms and provisions of licenses and signing them assuming that there is almost no risk in doing so. They are giving away to publishers without argument legal rights that other businesses routinely negotiate and attempt to preserve.

In our own library we carefully review every license and make changes to any terms and conditions we find unacceptable. Our acquisitions specialist in licenses has had to learn to understand contract law as it applies to these licenses. She works closely with the institution's attorneys whenever she does not understand a provision or when a company will not use language we find acceptable. Even so, we and other libraries have far fewer rights to use information we purchase than we did when we acquired print subject only to national copyright laws. We also have far greater liability if one of our users violates the publisher or provider's rights as spelled out in the license. Librarians have not done enough to fight this erosion of access to information through licensing.

There have been a number of discussions about creating generic or standard licenses to reduce the time and effort required to negotiate these terms and conditions. While such standardized language will help, it is unlikely that licenses will become entirely generic because of the state, provincial, and national differences in contract law. As long as such differences remain, librarians must educate themselves about the legal issues found in these contracts.

There are many other issues of licensing such as authorized user definition, walk in use, remote use, and distance education use that must be dealt with in a license. Again, it is the Acquisitions Department in our library and in many libraries that is developing the expertise to handle these contracts.

The Acquisitions Departments in most large libraries are also greatly increasing their record keeping and tracking as they license databases. In fact in our own library and many others, we are developing a database of licensed databases. This database enable us to track renewal dates, notifications dates for terminating contracts, the selector or selectors involved in evaluating the database, types of authorized users, restrictions on access, and the myriad of other specific pieces of information that we

need to know related to that database. That is of course far more complex than the usual print subscription information we have traditionally kept in a check-in file. The consequences of not maintaining such information can be significant, however. Some database licenses, for example require 60, 90 or even 120 days notice prior to the termination of the license or it is automatically renewed and all renewal fees are due and payable. A library may decide that it either lacks the money or that a database is no longer important. If it is past the notification date in the license, however, it may still be legally liable for the payment of the database fees for another year.

There are also many processing problems encountered by libraries in making databases available. Often access to databases begins the day on or the day after a license is signed. It may take weeks or months for the library to provide access to that database. Html encoding and cataloging cannot be done overnight. Information regarding authorized users, remote access, and a myriad of other information must be passed to several different staff. In our own library, we have tried to streamline these processes by centering them in one or two people in our Acquisitions Department who are responsible for notifying all others in the Library of the information needed to make a product accessible. They stand at the center of the communication web.

This solution focuses communication about such issues in Acquisitions and the electronic services librarian with clear communication lines to other people in the organization. This ensures that all the staff involved in selecting and making information available receive on a timely basis the information they need to do their jobs, in turn ensuring that the library and its users do not lose access to important and expensive material because there is a delay between the signing of a license and the actual availability of the data.

An additional problem did not exist in the print environment is the multiple contacts from and to vendors. Many vendors will contact selectors in the Reference Department, selectors in departmental or specialized libraries, acquisitions staff and administrators to try to sell their products. This spring in my own library, for example, netLibrary made contact with six or seven people in the Library to sell its new electronic monographs. In addition, netLibrary was negotiating with our statewide consortia. netLibrary was also contacting our local consortia and was in discussions with Southeastern Library Network for a Southeastern U.S. offering of netLibrary materials. These multiple contacts are confusing at best and in our own organization, we have attempted where possible to encourage vendors to contact one person designated as the vendor contact for that product or publisher. Otherwise, the process of negotiating the license becomes confusing. Indeed, both library staff and the vendor representatives can become misinformed and confused.

Acquisitions librarians are also the institution's negotiators for licensing electronic products. Negotiation is its own skill. Acquisitions librarians must acquire negotiation skills if they are to be successful today. Almost all licenses and prices for electronic products can be negotiated.

Although I will not take the time to go through these, on this slide are some basic negotiation skills taken from several sources:

Some Negotiation Rules

1. Honesty and mutual respect are essential. vHonesty does not mean providing all information up front. It does mean not giving false or misleading information.
2. Rights of both sides should be in balance and their legitimate interests met.
3. Both sides should benefit from the agreement.
4. The negotiation process should not end with damaged relationships.
5. When possible bring objective standards to the discussion.

6. Be open to the other side's point of view and listen actively.
7. Listen to alternative proposals. There are many ways of doing something.
8. You represent your institution and users. It is not your job to represent the vendor's interest. His or her profit is his problem - but he must make a profit to stay in business.
9. Everyone should win including and especially the end-user.

As I have already noted, systems staff must become much more involved in the selection and acquisition decision because of the following issues:

1. Is there infrastructure to support access?
2. How does the product affect the networks?
3. Is there equipment to support the product?
4. Are search engines appropriate?
5. Can there be links created to the catalog?

Summary

To summarize, if we are successful at assisting our users by creating discipline-based approaches to electronic information, libraries will not be marganizalized in the coming information century. Selectors must take responsibility to publicize electronic products, to train other librarians and users in the most effective use of the products, to evaluate the products on an ongoing basis, and to determine whether the use of the product content warrants the price that is being paid. The overall goal of the Library should still be to maintain our collection development principles in an electronic environment including a balance of subject areas, the breadth of the collection, and to organize information in such a way that enables our users to access it quickly and easily. That has not changed

In the electronic environment, selectors must become more knowledgeable about technical, legal, and acquisition issues and acquisitions librarians must move toward a greater understanding of legal and business relationships in a licensing versus "purchase to own" environment. Finally, the Library must become more flexible and able to make decisions quickly and to alter those decisions just as quickly because of the extraordinary rapid change of the electronic information licensing environment. Communication that crosses all parts of the management structure is critical.

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